

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HUGH A. COOK,**

**Plaintiff,**

**v.**

**B&W, Co. Inc.,**

**Defendant.**

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**8:06CV680**

**MEMORANDUM AND ORDER**

This matter is before the court on the plaintiff's Motion for Enlargement of Time and Motion to Appoint Counsel (Filing No. 13).

The court cannot routinely appoint counsel in civil cases. In Davis v. Scott, 94 F.3d 444, 447 (8<sup>th</sup> Cir. 1996), the Eighth Circuit Court of Appeals explained:

'Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.'... The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

(Citations omitted). The plaintiff has capably presented the factual basis for the claims in this proceeding. I find that, at this stage in the case, appointment of counsel is not necessary to enable the plaintiff to pursue those claims. Therefore, the motion for appointment of counsel, is denied.

With respect to the plaintiff's request for an enlargement of time, the plaintiff has not informed the court what deadline he is requesting that the court extend. Because the only pending deadline in this case is the Rule 26 Meeting Report Deadline, the court will grant a 30-day extension of time to allow the parties to comply with this deadline. However, any future requests by the plaintiff for an enlargement of time must accompany more detail.

IT IS ORDERED:

1. That the plaintiff's motion for appointment of counsel (Filing No. 13) is denied;
2. The parties' Rule 26 Meeting Report Deadline is extended until March 22, 2007.

DATED this 26<sup>th</sup> day of February, 2007.

BY THE COURT:

s/FA Gossett  
United States Magistrate Judge